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Committee on Economic, Social and Cultural Rights

Concluding observations on the combined second and third periodic reports of Liechtenstein*

1. The Committee on Economic, Social and Cultural Rights considered the combined second and third periodic reports of Liechtenstein (E/C.12/LIE/2-3) at its 24th and 25th meetings (see E/C.12/2017/SR.24 and 25), held on 7 and 8 June 2017, and adopted the following concluding observations at its 47th meeting, held on 23 June 2017.

A. Introduction

2. The Committee welcomes the submission of the combined second and third periodic reports of the State party and the submission of the written replies to the list of issues (E/C.12/LIE/Q/2-3/Add.1). The Committee also appreciates the constructive and frank dialogue that it held with the State party's multisectoral delegation.

B. Positive aspects

3. The Committee welcomes the State party's ratification of the following international human rights instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2017;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2013;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2006.

4. The Committee also welcomes the legislative, institutional and policy measures taken to promote economic, social and cultural rights in the State party, including the:

(a) Adoption of the law on the Liechtenstein Human Rights Association in 2016, and the subsequent establishment of the Association, serving as the State party's national human rights institution;

(b) Revision of the Asylum Act in 2016, aimed at accelerating asylum procedures;

(c) Adoption of the State Employees Act in 2008, which, unlike the repealed Civil Servants Act, did not include a prohibition of the right to strike for civil servants;

* Adopted by the Committee on Economic, Social and Cultural Rights at its sixty-first session (29 May–23 June 2017).

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(d) Adoption of the Liechtenstein Declaration in 2009, through which the State party committed to implementing global standards of transparency and exchange of information, as developed by the Organization for Economic Cooperation and Development, and the subsequent conclusion of 17 double taxation agreements and 27 tax information exchange agreements, in an effort to combat tax evasion schemes;

(e) Adoption of the Children and Youth Law of 2009, comprising the principle of non-discrimination and the protection of children and teenagers from a violent upbringing;

(f) Adoption of the Victims Assistance Act in 2007, pursuant to which the Victims Assistance Office was established in 2008, which provides counselling, medical, psychological, and financial assistance to victims of criminal offences and their family;

(g) Revision of the Gender Equality Act in 2006 and 2011 pursuant to the incorporation of European Union directives concerning workplace discrimination and sexual harassment.

C. Principal subjects of concern and recommendations

National human rights institution

5. The Committee appreciates the establishment of the Liechtenstein Human Rights Association and the information about the election of its board members. However, owing to the limited information provided on the type of work carried out by the Association, it remains unclear whether it is mandated to receive complaints by individuals on alleged violations of the Covenant rights, and what the status of its recommendations will be (art. 1).

6. **The Committee recommends that the State party ensure that the Human Rights Association enjoy a broad mandate to promote and protect human rights, including economic, social and cultural rights, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and provide it with adequate financial and human resources. In that regard, the Committee encourages the State party in due course to seek the accreditation of the Association by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. The Committee refers the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.**

Official development assistance

7. The Committee regrets that the State party's official development assistance falls below the internationally agreed commitment of 0.7 per cent of gross national income (GNI) and has decreased since 2012 (art. 2 (1)).

8. **The Committee recommends that the State party progressively increase the level of its contribution to official development assistance, with a view to achieving the international commitment of 0.7 per cent of its GNI, and fully incorporate the rights contained in the Covenant in its development cooperation policy, including human rights impact assessment.**

International cooperation — maximum available resources

9. While commending the State party's ongoing efforts to combat corruption, strive for transparency and avoid tax evasion schemes on an international scale, the Committee is, however, concerned about the potential impact of private foundations based in the State party on its efforts in combating tax evasion and abuse, and on the ability of other States parties to meet their obligations to mobilize the maximum available resources for the implementation of economic, social and cultural rights (art. 2 (1)).

10. **The Committee recommends that the State party continue strengthening its measures to combat tax evasion and tax abuse, including by ensuring that private foundations are subject to the necessary regulations, in order to contribute to the**

efforts of other States parties in combating tax evasion and tax abuse schemes. The Committee further recommends that the State party provide in its next periodic report detailed information on the impact of such measures and on related investigations launched and their outcomes. The Committee refers the State party to its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, paragraph 37.

Anti-discrimination legislation

11. While noting the amendment to article 283 of the Criminal Code, which broadened the list of prohibited grounds of discrimination, the Committee regrets the absence of comprehensive anti-discrimination legislation in the State party (art. 2).

12. **The Committee recommends that the State party adopt comprehensive anti-discrimination legislation, which includes all prohibited grounds for discrimination, covers not only direct but also indirect discrimination and provides for the implementation of temporary special measures and remedies for victims, and ensure its systemic application. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Persons with disabilities

13. The Committee is concerned about the lack of statistical data on the enjoyment of the Covenant rights by persons with disabilities. The Committee is also concerned that the concept of reasonable accommodation is not incorporated into relevant legislation, which may contribute to de facto discrimination against persons with disabilities (art. 2).

14. **The Committee recommends that the State party collect disaggregated data to monitor the enjoyment of economic, social and cultural rights by persons with disabilities and provide information and statistical data in this respect in the next periodic report. The Committee also recommends that the State party incorporate the concept of reasonable accommodation into all legislation affecting persons with disabilities and take measures to ensure its implementation.**

Equality between men and women

15. While noting the efforts to promote gender equality pursued by the Equal Opportunity Unit before its dissolution in 2016 and the introduction of related legislative amendments, the Committee is concerned about the absence of a specific mechanism for the promotion of gender equality. It also notes with concern that traditional gender roles and stereotypes of women and men in the family and society persist and the low representation of women in political and decision-making positions (art. 3).

16. **The Committee recommends that the State party:**

(a) **Establish a well-resourced and effective mechanism for the promotion and protection of gender equality;**

(b) **Continue implementing gender equality legislation and establish an effective monitoring and evaluation mechanism to ensure that this process is assessed against a clear set of indicators;**

(c) **Put in place, and effectively implement, a comprehensive policy with proactive and sustained measures to overcome stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, and monitor the impact of the measures taken on the perception of gender roles by society;**

(d) **Continue to assess the underlying causes of the underrepresentation of women in political and decision-making positions and take appropriate measures, including through strengthening the system of quotas and other temporary special measures, to close this gap.**

17. **The Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Unemployment

18. The Committee regrets that statistical data and other sources of information on unemployment are not disaggregated by disability or national origin. While noting the low unemployment rate, the Committee expresses its concern at the relatively higher unemployment rates among youth, non-nationals and women, especially those belonging to minorities (art. 6).

19. **The Committee recommends that the State party collect statistical data on unemployment disaggregated by national origin, disability, sex and age. The Committee recommends that the State party intensify its efforts to reduce unemployment rates, while paying particular attention to the above-mentioned groups.**

Right to just and favourable conditions of work

20. The Committee is concerned about the limited progress made in closing the gender wage gap in the State party, which further increases with age. The Committee is also concerned at the overrepresentation of women in part-time jobs or in lower-paid sectors and at the persistence of occupational segregation by sex (art. 7).

21. **The Committee recommends that the State party step up its efforts to close the gender wage gap. In that regard, the Committee recommends that the State party:**

(a) **Promote training for women in non-traditional fields and in areas that will provide them with equal career opportunities, and take other effective measures to address occupational and industrial segregation by sex;**

(b) **Take appropriate measures to eliminate gender role stereotypes and promote the equal sharing of responsibilities between men and women in the family and society, including by strengthening the availability and affordability of childcare services and by providing paternity leave and paid parental leave;**

(c) **Strengthen its measures to promote flexible work arrangements for both women and men in the private and public sectors.**

22. The Committee expresses its concern at the wage gap between nationals and non-nationals resident in the State party. The Committee is also concerned that the labour inspectorate (tripartite commission) is limited in its work to those workers covered by collective agreements, thus excluding workers in the construction industry, among other industries (arts. 2 and 7).

23. **The Committee recommends that the State party pursue its efforts towards closing the wage gap between nationals and non-nationals resident in the State party. It also recommends that the State party ensure that inspections of workplaces are regularly carried out and ensure that the labour inspectorate is well resourced to enable it to discharge its role effectively. The Committee further recommends that the State party provide detailed information in its next periodic report on the activities of the labour inspectorate, including on investigations launched and their outcomes. The Committee refers the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Right to social security

24. While noting recent legislative changes in this regard, the Committee remains concerned about limitations in access to social assistance benefits by non-nationals, since their permanent residency status could still be made dependent on the extent of their reliance on such benefits (art. 9).

25. **The Committee reminds the State party that social assistance benefits constitute a core obligation under article 9 of the Covenant and recommends that the State party ensure that permanent residents can fully enjoy their right to social**

security without fear of losing their residency status due to their dependence on social assistance. To that end, the Committee recommends that the State party introduce the necessary amendments to articles 49 and 69 of the Foreigners Act. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security.

Family reunification

26. The Committee is concerned that decisions to approve requests for family reunification by third country nationals (who are neither from Switzerland or the European Economic Area) are subject to a spouse who wishes to move to Liechtenstein providing evidence of a basic knowledge of the German language, which may have a disproportionate impact on applicants whose spouses or dependent adults are non-German-speaking and are unable to access German language training because of financial or other constraints. The Committee notes the current case-by-case approach of the migration authority, opening space for flexibility (arts. 2 and 10).

27. **The Committee recommends that the State party review the requirements for family reunifications by all non-nationals, repeal any requirement that may have the effect of indirect discrimination based on ethnicity, nationality or language, prioritize family reunification over knowledge of the German language prior to arriving in the State party, and continue exploring ways to facilitate the integration of non-nationals and their families, once reunified, in the State party.**

Drug use

28. While noting with appreciation the State party's efforts to combat abuse of drugs, tobacco and alcohol and despite the positive results of various measures taken, the Committee remains concerned that the consumption of illicit drugs has increased (art. 12).

29. **The Committee recommends that the State party continue conducting awareness-raising programmes about the serious health risks associated with drug abuse, strengthen its efforts to reduce the risks associated with drug consumption and provide appropriate health care, psychological support services and rehabilitation to drug users in need of such services. The Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.**

Right to education

30. The Committee takes note of the efforts made by the State party towards integrating migrant children into the mainstream education system. However, the Committee remains concerned at the underrepresentation of pupils of migrant background at the higher levels of secondary school (Gymnasium). While noting that the State party has started inclusive schooling for children with disabilities, the Committee is concerned that some children with disabilities remain in special schools (arts. 13 and 14).

31. **The Committee recommends that the State party:**

(a) **Address the underrepresentation of children of migrant background in the higher levels of secondary school (Gymnasium) and review the classification criteria for assigning pupils to different education tracks, including by raising the cut-off age for pupils;**

(b) **Continue strengthening existing education programmes aimed at integrating children of migrant background;**

(c) **Promote inclusive education for all children with disabilities, including by allocating resources for the provision of reasonable accommodation and additional professional training for teachers.**

32. **The Committee refers the State party to its general comment No. 13 (1999) on the right to education.**

D. Other recommendations

33 The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

34 The Committee recommends that the State party consider ratifying the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

35 The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Sustainable Development Agenda at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.

36 The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

37 The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Human Rights Association and non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

38 In light of the follow-up to the concluding observations procedure adopted by the Committee, the State party is requested to provide, within 18 months of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 16 (a) and 25 above.

39 The Committee requests the State party to submit its fourth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 June 2022. It also invites the State party to update its common core document, as necessary, and in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).